



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ANITA HUNTER, et al.

vs.

CITIBANK, N.A., et al.

Defendants

Case No.: 09-cv-02079 JW

8/11/2010

Assigned to Hon. James Ware

**STIPULATION RE:
CASE SCHEDULE;
[PROPOSED] ORDER**

[Signature]

WHEREAS, the parties have exchanged case documents, engaged in written discovery, and are in the midst of taking depositions;

WHEREAS, the Defendants' Motions to Dismiss the Second Amended Complaint have been ruled upon, a Third Amended Complaint will soon be filed, and the Defendants will thereafter issue their responsive pleadings;

WHEREAS, the Wave I Settlements have been finally approved, the Wave II Settlements have been preliminarily approved, and the Wave II Final Fairness Hearing is calendared for August 30, 2010;

WHEREAS, the Plaintiffs and certain Defendants have agreed to settle in Wave III, Plaintiffs and other Defendants are in active settlement discussions, and they desire time to allow those discussions to develop so that a determination can be made as to whether additional Wave III Settlements can be reached;

WHEREAS, the parties agreed upon an aggressive discovery schedule so that discovery in this action could be coordinated with the two adversary proceedings ("Adversaries") involving parties that are also defendants in this case (Citibank and Boulder) pending before Judge Martin Glenn of the Bankruptcy Court for the Southern District of New York, as well as with any additional adversary proceedings which the bankruptcy trustee may file against Defendants in this action. However, Citibank, the plaintiffs in this action, and the bankruptcy trustee in the Citibank Adversary, have agreed in principle to settle all claims asserted against

Citibank. Certain other Defendants have reached similar agreements, and the Court approval process with respect to these settlements will take several months;

WHEREAS, discovery and depositions have not proceeded as quickly as had been contemplated by the scheduling Order (Docket No. 317), in large part because of the several mediations and settlement conferences which have taken place, each of which required the concerned parties to invest substantial time and effort to make the settlement talks productive. It is now apparent that efforts to reach further settlements will require like time and effort commitments by the concerned parties;

WHEREAS, based on the foregoing, the parties hereto agree that the discovery plan set forth in Docket No. 317 should be modified to allow time for the forthcoming Third Amended Complaint to be filed, additional depositions to be taken, the Wave II and III Settlement approval process to be concluded, and for additional settlement discussions to develop;

WHEREAS, the parties intend to continue to comply with the orders of this Court and the Bankruptcy Court directing that discovery in this action and in the Adversaries be coordinated, and the parties to the Adversaries will seek discovery schedules which comport with the below:

NOW THEREFORE, based on the foregoing, the below identified parties HEREBY AGREE and STIPULATE THAT the case schedule set forth in Docket No.317 should be modified as set forth below:

CASE SCHEDULE

EVENT	DATE
File Third Amended Complaint	September 10, 2010
Fact Discovery Cut-Off	February 14, 2011
Disclosure of Expert Witnesses (122 days before the Close of All Discovery)	March 14, 2011

1	Disclosure of Rebuttal Expert Witnesses (108 days before the Close of All Discovery)	March 28, 2011
2	Preliminary Pretrial Conference Statements (10 days before the Conference)	June 3, 2011
3	Preliminary Pretrial Conference at 11:00 a.m. (30 days before the Close of All Discovery)	June 13, 2011
4	Close of All Discovery	July 12, 2011
5	Last Date for Hearing on Class Certification Motion	June 28, 2011 at 9:00 AM
6	Last Date for Hearing Dispositive Motions (60 days after the Close of All Discovery)	September 19, 2011

IT IS SO STIPULATED.

Dated: August 3, 2010

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By: /s/ Michael P. Denver
 ROBERT L. BRACE
 MICHAEL P. DENVER

Attorneys for the Plaintiff's and the Class

Dated: August 3, 2010

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10 **IT IS SO ORDERD:**

11 In light of this Order, the Court vacates the August 23, 2010 Case Management Conference.

12 The Court sets an interim Case Management Conference for **October 18, 2010 at 10:00 AM.**

13 On or before **October 8, 2010**, the parties shall file a joint Case Management Conference
14 statement updating the Court on the status of all settlement and discovery efforts.

16 Dated: August 11, 2010

17 
United States District Judge

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22 I, Michael P. Denver am the ECF User whose ID and password are being used to file this
23 **STIPULATION RE: CASE SCHEDULE; [PROPOSED] ORDER.** In compliance with
24 General Order 45, X.B., I hereby attest that the counsel whose e-signatures appear on the
25 foregoing signature pages have concurred in this filing.

26 /s/

27 Michael P. Denver

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